



Janet T. Mills
Governor

STATE OF MAINE
Maine State Police Crime Laboratory
26 Hospital Street
133 State House Station
Augusta, Maine
04333-0133

A Nationally Accredited Laboratory



Lt. Michael Zabarsky
Director

Testimony of Lieutenant Michael Zabarsky

**Joint Standing Committee on Judiciary
132nd First Regular Session**

**LD 549, An Act to Establish a Statewide Sexual Assault Forensic Examination Kit
Tracking System and Update Certain Requirements Regarding Sexual Assault Forensic
Examination Kits**

Senator Carney and Representative Kuhn, and honorable members of the Judiciary Committee, my name is Lieutenant Mike Zabarsky, Director of the Maine State Police Crime Laboratory, and I am testifying neither for nor against LD 549.

I am pleased to report that since the last legislative session, the Crime Lab partnered with MECASA to identify Federal grant funding to implement an affordable kit tracking system and commence a pilot project in Kennebec and Penobscot Counties to develop essential data about kit inventories in law enforcement custody. With the help of the STOP grant and MaineIT, we successfully stood up a kit tracking system, which is currently being used by the pilot project. Although a statewide inventory is not yet completed and will take time, information already gathered indicates there might be hundreds of kits or more in law enforcement custody throughout the State.

This bill provides that beginning January 1, 2027 completed kits must be transported to the lab and be processed. I am concerned that this bill overburdens the lab's capacity to manage the new kit tracking system and test completed kits, so we can develop DNA profiles eligible for CODIS (the national Combined DNA Index System). Depending on the decisions about which samples to process, the lab may find itself with an abundance of

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DNA profiles, which leads to more analysis, more mixtures and interpretation, and potentially labor-intensive statistical reporting.

The lab's capacity concerns are compounded by the bill's provision allowing anonymous victims to consent to the testing of their completed kits with the results remaining anonymous. The lab prioritizes violent crimes against people and this bill requires the lab to use its limited resources to also process uninvestigated reports of sexual assault and develop DNA profiles that cannot be compared to other profiles in CODIS and potentially lead to prosecutions not only within this state but in other states as well. The current statutory authority requires sexual assault kits, including anonymous kits, to be stored for twenty (20) years providing victims a significant amount of time to report their assault to law enforcement and have their kit tested.

Without more data from the pilot project, I cannot tell you whether the lab will be swamped with untested kits. What I can tell you is that the lab has a backlog of kits today and any additional kits submitted to us will have a chilling effect on our ability to prioritize violent crimes against people and process kits in a timely manner without detrimentally impacting our goal to maximize throughput and achieve reasonable turnaround times.

Therefore, the lab reasonably believes additional staff is necessary to manage the new tracking system, help our Forensic Biology and Forensic Chemistry units test inventoried kits with identified victims, manage developed profiles and confirmations, and ensure robust CODIS operations. It is important to note that time is of the essence when we consider hiring and training staff as this takes significant time before a scientist can engage in autonomous casework.

Although the Department's position is neither for nor against this bill, we are committed to kit tracking and testing as we have demonstrated and appreciate the Committee's work to

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provide a path forward. On behalf of the Department of Public Safety and the Maine State Police Crime Lab, I thank you for your time and am happy to answer any questions you might have.

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